

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT J. GACH, JR., and VENTURA'S	:	No. 1:12-cv-1557
RESTAURANT & PIZZERIA, LLC,	:	
	:	
Plaintiffs,	:	Hon. John E. Jones III
	:	
v.	:	
	:	
FAIRFIELD BOROUGH, ROBERT	:	
STANLEY, CARROLL VALLEY	:	
BOROUGH, RON HARRIS, and	:	
RICHARD HILEMAN II,	:	
	:	
Defendants.	:	

**ORDER**

**February 5, 2013**

In accordance with the Memorandum issued on today's date, **IT IS  
HEREBY ORDERED THAT:**

1. The Defendants Motion to Dismiss (doc. 26) is **GRANTED** in its entirety and the Plaintiffs' Amended Complaint (doc. 23) is **DISMISSED** as against all Defendants.
2. Plaintiffs are **GRANTED** leave to amend their Complaint within twenty (20) days of the date of this Order to the extent that there are facts which, if true, support their Section 1983 claim for a regulatory taking, consistent with this opinion. If the Plaintiffs do not file an

amended pleading withing twenty (20) days of the date of this Order,  
the Clerk of Court will close this case.

s/ John E. Jones III  
John E. Jones III  
United States District Judge